

Exhibit 1



August 19, 2022

7021 1970 0001 1326 9140

Mr. Mohamed Salaad Ali
1446 E Warbler Rd
Gilbert, AZ 85297

7021 1970 0001 1326 9133

Fareey Express LLC
RA: Mr. Kevin N Summers
100 West Big Beaver Suite 650
Troy MI, 48084

RE: Estate of James R. Spencer v Fareey Express, LLC et al
Case No: 22-66102-NI
Our File No.: 213225

Dear Mr. Ali and Mr. Summers,

Enclosed please find a Summons and Complaint together with Jury Demand which were filed against you in the above-referenced matter.

Very truly yours,

JOHNSON LAW, P.C.

A handwritten signature in black ink, appearing to read "Paul F. Doherty", is written over a horizontal line.

Paul F. Doherty

PFD/msh

Enclosure

cc: Great West Casualty Ins Co
7021 1970 0001 1326 9157

DETROIT. FLINT. NATIONWIDE.

Approved, SCAO

Original - Court
1st copy - Defendant2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT ALLEGAN JUDICIAL CIRCUIT COUNTY PROBATE	SUMMONS	CASE NO. #-22 66102
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Court address

113 Chestnut St. Allegan, MI 49010

Court telephone no.

MARGARET ZUZICH BAKKER

Plaintiff's name(s), address(es), and telephone no(s).

 ESTATE OF JAMES RODERICK SPENCER,
 through its Personal Representative
 YOLANDA A. SPENCER

v

Defendant's name(s), address(es), and telephone no(s).

 FAREEY EXPRESS, LLC and
 MOHAMED SALAAD ALI, jointly and severally

Plaintiff's attorney, bar no., address, and telephone no.

 PAUL F. DOHERTY (P36579)
 VEN R. JOHNSON (P39219)
 JOHNSON LAW, PLC
 535 Griswold Street, Suite 2600 Detroit, MI 48226
 (313) 324-8300 (fax-8301)

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

 been previously filed in ☐ this court, ☐ _____ Court, where


it was given case number _____ and assigned to Judge _____.

 The action ☐ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS**NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to file a written answer with the court and serve a copy on the other party or take other lawful action with the court (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date 8/11/22	Expiration date 11/9/22	Court clerk 
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*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

SUMMONS**PROOF OF SERVICE**

Case No. _____

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE☐ **OFFICER CERTIFICATE**

OR

☐ **AFFIDAVIT OF PROCESS SERVER**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: (notarization not required)

Being first duly sworn, I state that I am a legally competent adult, and I am not a party or an officer of a corporate party (MCR 2.103[A]), and that: (notarization required)

- ☐ I served personally a copy of the summons and complaint,
☐ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint,

together with _____

List all documents served with the summons and complaint

_____ on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time

- ☐ I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare under the penalties of perjury that this proof of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee	
\$		\$	
Incorrect address fee	Miles traveled	Fee	TOTAL FEE
\$		\$	\$

Signature _____

Name (type or print) _____

Title _____

Subscribed and sworn to before me on _____, _____ County, Michigan.
 Date

My commission expires: _____ Signature: _____
 Date Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons and complaint, together with _____
 Attachments

_____ on _____
 Day, date, time

_____ on behalf of _____
 Signature

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF ALLEGAN

ESTATE OF JAMES RODERICK SPENCER,
through its Personal Representative
YOLANDA A. SPENCER

Plaintiff,

#-22 66102
Case No. 22- -NI
Hon.

vs.

FAREEY EXPRESS, LLC and
MOHAMED SALAAD ALI, jointly and severally,

Defendants.

PAUL F. DOHERTY (P36579)
VEN R. JOHNSON (P39219)
JOHNSON LAW, PLC
Attorneys for Plaintiff
535 Griswold Street, Suite 2600
Detroit, MI 48226
(313) 324-8300; Fax: (313) 324-8301
pdoherty@venjohnsonlaw.com
vjohnson@venjohnsonlaw.com

COMPLAINT AND JURY DEMAND

There are no other pending civil actions arising out of the same
transaction or occurrence as alleged in this Complaint.

/s/ Paul F. Doherty

Plaintiff, Estate of James Roderick Spencer, through undersigned counsel, states for its

Complaint as follows:

1. Yolanda A. Spencer is the Personal Representative of the Estate James Roderick Spencer, a decedent's estate pending in the Lake Superior Court Probate Division, Lake County, Indiana, Cause No. 45D11-2205. At the time of his death, James Roderick Spencer was married to Yolanda A. Spencer.

2. Defendant Fareey Express, LLC is, upon information and belief, an Arizona limited liability company which operates commercial vehicles in multiple states, including Michigan, under USDOT No. 2847261.

3. Defendant Mohamed Salaad Ali, upon information and belief, is a resident of the State of Arizona.

4. The amount in controversy exceeds \$25,000 and this matter is otherwise within the jurisdiction of this Court.

5. Defendant Fareey Express, LLC is in the business of operating commercial motor vehicles, including semi tractors and trailers, hauling cargo throughout various parts of the United States, including in Michigan.

6. For all times relevant hereto, Defendant Fareey Express, LLC was the owner of a 1994 Freightliner tractor, VIN FUYDXYB9RA631507, bearing an Arizona license, number AL11815, and was pulling a trailer. (subject vehicle).

7. For all times relevant hereto, Defendant Mohamed Salaad Ali was employed by, was acting as the agent of, or was under dispatch by Defendant Fareey Express, LLC and was otherwise acting within the scope of his employment/agency with Defendant Fareey Express, LLC in connection with his operation of the subject tractor and attached trailer on June 18, 2021, northbound on I-196 approximate at 14:53 in Ganges Township, MI. Therefore, Defendant Fareey Express, LLC is liable for the wrongful acts/omission of Mohamed Salaad Ali recited herein.

8. Defendant Mohamed Salaad Ali's use of the subject vehicle was with the expressed or implied consent of Defendant Fareey Express, LLC; therefore, Defendant Fareey Express, LLC is liable for the injuries to Plaintiff and resulting damages as the owner of the motor vehicle.

9. On June 18, 2021, at 14:53, Mr. Spencer was operating a 2018 Ford F150, VIN 1FTEW1E58JKF08236, bearing a Tennessee plate, number DC34893 and was proceeding north on I-196 approximately 0.5 mile north of exit 30 in the right lane.

10. On the date and at the time indicated above, Defendant Mohamed Salaad Ali was operating the subject vehicle north on I-196 approximately 0.5 mile north of exit 30 in the right lane.

11. Because of traffic congestion, it was necessary for Mr. Spencer to slow and and stop.

12. Disregarding Mr. Spencer's stopped vehicle, Defendant Mohamed Salaad Ali propelled his 80,000-pound semi-tractor/trailer combination into the rear of Mr. Spencer, catapulting him off the roadway, causing sever, catastrophic injuries.

13. Among other things, Mr. Spencer was rendered a quadriplegic which ultimately caused a progressive worsening of his health, which steadily declined to the point that he died on April 10, 2021. Mr. Spencer endured 10 months of intense pain and mental anguish and suffering directly and proximately resulting from the negligence of Defendant Mohamed Salaad Ali, for which he and Defendant Fareey Express, LLC are jointly responsible.

14. As a direct, proximate, and foreseeable result of the negligence, gross negligence and otherwise reckless and willful and wanton wrongful acts and/or omissions of Defendant Mohamed Salaad Ali, for which Defendant Fareey Express, LLC is responsible either as the owner of the subject tractor trailer or as Defendant Mohamed Salaad Ali's employer, Plaintiff has suffered those injuries and damages as generally described herein.

COUNT I
NEGLIGENCE, GROSS NEGLIGENCE AND/OR WILLFUL AND WANTON
ACTS/OMISSIONS DEFENDANTS C R LOGISTICS AND GINTER

15. Plaintiff incorporates by reference Paragraphs 1-14.

16. Defendants owed Plaintiff's decedent a duty to operate the subject vehicle in a reasonably safe manner so to avoid causing injury to Plaintiff's decedent and to otherwise obey the traffic laws of the State of Michigan and the standard of care established by the Federal Motor Carrier Safety Act.

17. Defendants breach the above and other duties including as follows, all or some of which violated the Michigan Motor Vehicle Code and/or the Federal Motor Carrier Safety Act:

- a. driving in a careless, negligent and reckless manner;
- b. failing to stop within an assured clear distance;
- c. failing to keep a proper lookout;
- d. failing to maintain proper control of the subject vehicle;
- e. failing to maintain a safe and proper speed or properly reduce speed;
- f. failing to stop the vehicle in an assured clear distance ahead, resulting in an accident;
- g. engaging in various other acts and/or omissions in violation of the Michigan Motor Vehicle Code and/or the Federal Motor Carrier Safety Act;
- h. otherwise failing to operate the subject vehicle as a reasonable commercial truck driver would under the same or similar circumstances.

18. As a direct, proximate and foreseeable result of Defendants' negligence, gross negligence, reckless acts and/or omissions as recited herein, Plaintiff's decedent suffered serious injuries which proximately and foreseeably caused his death entitling Plaintiff Estate to damages and compensation including, but not limited to:

- a. medical, hospital, funeral and burial expenses;
- b. loss of society and companionship;

- c. conscious pain and suffering, fright, shock, mortification and other mental anguish brought on by severe trauma and impending death;
- d. loss of financial support, gifts and gratuities;
- e. exemplary damages; and
- f. all other damages recoverable under Michigan's Wrongful Death Act.

19. Defendant Fareey Express, LLC is liable for the wrongful acts/omissions of Defendant Mohamed Salaad Ali because it owned the subject tractor and/or because Defendant Mohamed Salaad Ali negligently operated the subject tractor/trailer which directly and proximately caused those injuries and damages sustained by Plaintiff as stated herein.

COUNT II
NEGLIGENT ENTRUSTMENT/HIRING
DEFENDANT FAREEY EXPRESS, LLC

20. Plaintiff incorporates by reference paragraphs 1 – 19.

21. Defendant Mohamed Salaad Ali was negligent in the operation of the subject vehicle.

22. At the time of the crash, Defendant Fareey Express, LLC held legal title to the subject vehicle and permitted Defendant Mohamed Salaad Ali to operate it.

23. Defendant Fareey Express, LLC knew or should have known, that Defendant Mohamed Salaad Ali was incompetent and/or unfit to drive the subject vehicle.

24. Defendant Mohamed Salaad Ali's incompetence and/or lack of fitness to drive the commercial motor vehicle was a cause of the injuries to Mr. Spencer and damages sustained by Plaintiff Estate resulting from his death.

25. As a direct, proximate and foreseeable result of Defendant Fareey Express, LLC's negligent entrustment of the subject vehicle to Mohamed Salaad Ali, Plaintiff sustained those injuries and damages stated herein.

WHEREFORE, Plaintiff requests this court make and enter a Judgment in his favor, and against Defendants, jointly and severally in whatever amount in excess of \$25,000 to which it is found to be entitled together with interest, costs, and attorney fees.

Respectfully submitted,

JOHNSON LAW, PLC

By: 

PAUL F. DOHERTY (P36579)
VEN R. JOHNSON (P39219)
Attorneys for Plaintiff
535 Griswold Street, Suite 2600
Detroit, Michigan 48226
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vjohnson@venjohnsonlaw.com

Date: August 9, 2022

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury of this matter.

Respectfully submitted,

JOHNSON LAW, PLC

By: 

PAUL F. DOHERTY (P36579)
VEN R. JOHNSON (P39219)
Attorneys for Plaintiff
535 Griswold St., Ste. 2600
Detroit, MI 48226
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Date: August 9, 2022